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	Application No.	Applicant(s)	
Notice of Allowability	10/755,848	KUWABARA ET AL.	
	Examiner	Art Unit	
	William P. Watkins III	1772	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.			
1. This communication is responsive to <u>RCE filed 4 December 2006</u> .			
2. The allowed claim(s) is/are <u>1-10</u> .		•	
3. ☐ Acknowledgment is made of a claim for foreign priority ura) ☐ All b) ☐ Some* c) ☐ None of the:	nder 35 U.S.C. § 119(a)-(d) or (f).		
 Certified copies of the priority documents have been received. 			
2. Certified copies of the priority documents have been received in Application No			
3. Copies of the certified copies of the priority documents have been received in this national stage application from the			
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.			
4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.			
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.			
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached			
1) hereto or 2) to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date			
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).			
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.			
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Attachment(s)			
1. Notice of References Cited (PTO-892)	5. Notice of Informal P	atent Application	
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary		
3. Information Disclosure Statements (PTO/SB/08),	Paper No./Mail Dat 7.	nent/Comment	
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8. Examiner's Stateme	ent of Reasons for Allowa	nce
of Biological Material	9.		
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Allowance

- 1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 November 2006 has been entered.
 - 2. The drawings have been approved by the examiner.
- 3. The restriction requirement is withdrawn and the method claims rejoined with the article claims in view of the method claims having all of the limitations of the allowed article claims.
- 4. The following is an examiner's statement of reasons for allowance: the limitations of the average minimum difference between peaks of said irregularities being from 14.7 to 200 microns, and the irregularities constituting mutual

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translational symmetry in combination with the other limitations of independent claim 1 define over the cited art. In particular the examiner notes that the spacing of irregularities in both Clapham et al. and Maffitt et al. is less than the wavelength of the light to be absorbed and not the same order of magnitude as in instant claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIR. Status information for unpublished applications is available through

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Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww February 20, 2007

> WILLIAM P. WATKINS III PRIMARY EXAMINER

William P. Whetherself

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